

FORM PTO-1390 (Modified) (REV. 07-2004) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE		ATTORNEY'S DOCKET NUMBER 261089US0XPCT
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/510953
INTERNATIONAL APPLICATION NO. PCT/FR03/01328	INTERNATIONAL FILING DATE 28 APRIL 2003	PRIORITY DATE CLAIMED 30 APRIL 2002
TITLE OF INVENTION GENE BANK OF THE CYANOPHAGE S-2L AND FUNCTIONAL ANALYSIS		
APPLICANT(S) FOR DO/EO/US Philippe MARLIERE, et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</p> <p>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</p> <p>12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</p>		
Items 13 to 23 below concern document(s) or information included:		
<p>13. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>15. <input type="checkbox"/> A FIRST preliminary amendment.</p> <p>16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>17. <input type="checkbox"/> A substitute specification.</p> <p>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13^{ter}.2 and 37 CFR 1.821 - 1.825.</p> <p>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</p> <p>22. <input type="checkbox"/> Express Mail Label No.</p> <p>23. <input checked="" type="checkbox"/> Other items or information:</p>		
Application Data Sheet Notice of Priority Drawings (5 Sheet) Sequence Listing (359 Pages)		PTO-1449 Cited References (7)

U.S. APPLICATION NO (if known, see 37 CFR 1.5) 10/510953	INTERNATIONAL APPLICATION NO. PCT/FR03/01328	ATTORNEY'S DOCKET NUMBER 261089US0XPCT		
24. The following fees are submitted:		CALCULATIONS PTO USE ONLY		
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :				
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1110.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$950.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$790.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$750.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00				
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$950.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).		□ 20 <input checked="" type="checkbox"/> 30 \$130.00		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	85 - 20 =	65	x \$18.00	\$1,170.00
Independent claims	11 - 3 =	8	x \$88.00	\$704.00
Multiple Dependent Claims (check if applicable).		<input checked="" type="checkbox"/>		\$300.00
TOTAL OF ABOVE CALCULATIONS =		\$3,254.00		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$0.00		
SUBTOTAL =		\$3,254.00		
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)).		□ 20 <input type="checkbox"/> 30 +	\$0.00	
TOTAL NATIONAL FEE =		\$3,254.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).		<input type="checkbox"/>	\$0.00	
TOTAL FEES ENCLOSED =		\$3,254.00		
		Amount to be: refunded	\$	
		charged	\$	
a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.				
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.				
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0030</u>				
d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.				
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.				
SEND ALL CORRESPONDENCE TO:				
Customer No.: 22850				
<u>Corwin Paul Umbach</u> SIGNATURE				
Norman F. Oblon				
NAME <u>Corwin P. Umbach, Ph.D.</u>				
24,618 Registration No. 40,211				
REGISTRATION NUMBER				
<u>October 29, 2004</u>				
DATE				

10/510953

PTO-15 PGS-A2C JFG 29 OCT 2003

DOCKET NO.: 261089US0XPCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Philippe MARLIERE, et al.

SERIAL NO.: NEW U.S. PCT APPLICATION

FILED: HEREWITH

INTERNATIONAL APPLICATION NO.: PCT/FR03/01328

INTERNATIONAL FILING DATE: April 28, 2003

FOR: GENE BANK OF THE CYANOPHAGE S-2L AND FUNCTIONAL ANALYSIS

**REQUEST FOR PRIORITY UNDER 35 U.S.C. 119
AND THE INTERNATIONAL CONVENTION**

Commissioner for Patents
Alexandria, Virginia 22313

Sir:

In the matter of the above-identified application for patent, notice is hereby given that the applicant claims as priority:

<u>COUNTRY</u>	<u>APPLICATION NO</u>	<u>DAY/MONTH/YEAR</u>
France	02 05424	30 April 2002

Certified copies of the corresponding Convention application(s) were submitted to the International Bureau in PCT Application No. PCT/FR03/01328.

Respectfully submitted,
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Corwin Paul Umbach

Norman F. Oblon
Attorney of Record
Registration No. 24,618
Surinder Sachar
Registration No. 34,423

Customer Number

22850

(703) 413-3000
Fax No. (703) 413-2220
(OSMMN 08/03)

Corwin P. Umbach, Ph.D.
Registration No. 40,211